

### REMARKS

Claims 3 to 13 are currently pending. Claims 1 and 2 have been cancelled without prejudice to the filing of continuing applications. Claims 3 and 5 (and their dependant claims) have been amended to pertain to a "*method for disinfecting contact lenses, wherein said contact lenses are rinsed with an aqueous ionic solution obtained from sea water...*". In addition, Claims 3 and 5 have been amended to include the missing units. Finally, dependant Claims 11 to 13 have been added. The amendments to the claims are fully supported by the original specification, in particular, at page 1, lines 6-8 and 23-27, and page 1, line 28 to page 2, line 8.

### Rejections under 35 U.S.C. §112

Claims 3 and 5 stand rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, claims 3 and 5 contained numbers corresponding to concentrations but lacked units. Applicants have amended said claims by adding the appropriate units and thus overcome this rejection.

Rejections under 35 U.S.C. §103(a)

Claims 3 to 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yvin *et al.* (WO 01/49304) in view of Bawa *et al.* (US 4,931,279).

According to the Examiner, Yvin *et al.* teaches the solution of claims 3, 5, and 7-10. The Examiner points to Yvin *et al.* at page 4, claim 1, asserting that the solution can be used "*for treating the eye and all its appendages*" and to Yvin *et al.* at page 3, paragraph 84 to argue that the Yvin *et al.* solution can be used "*in the form of lotions intended for washing the eye, in the form of collyria, ophtalmological gels, or to replace the water in ocular inserts*". Applicants note that the Examiner recognizes that Yvin *et al.* does not teach the use of the solution for rinsing contact lenses.

Furthermore, the Examiner states that Bawa *et al.* teaches that contact lenses can alternatively act as ocular inserts (Bawa *et al.*, Claim 6), that Bawa *et al.* uses the disclosed polymeric matrix to produce contact lenses as ocular inserts (Bawa *et al.*, column 7, line 5 and column 2, lines 23-34) and finally that Bawa's contact lenses can be made of hydrophobic and hydrophilic materials (Bawa *et al.*, abstract).

The Examiner then concludes that it would have been obvious for the person skilled in the art to use the composition of Yvin *et al.* to rinse contact lenses, since Yvin *et al.* teaches a

solution for ocular inserts and since Bawa et al. demonstrates that contact lenses are considered ocular implants.

Applicant respectfully traverses this rejection and requests reconsideration for the following reasons:

Although Bawa et al. teaches that contact lenses can alternatively act as ocular inserts, and Yvin et al. teaches the use of a solution for the treatment of the eye and its appendages (i.e. orbit, muscles, eyelid (or palpebra), lachrymal gland, but not contact lenses), Applicants respectfully submit that there is nothing in Yvin et al. that suggests that their solution could be used to disinfect contact lenses by rinsing them.

In fact, Yvin et al. teaches that their solution (i.e. which is identical to the one required by the instant claims) can be used to replace the water in ocular inserts; it does not teach a solution that can disinfect ocular inserts. The Bawa et al. disclosure thus cannot be extrapolated to the conclusion that it suggests that the disclosed solution can disinfect contact lenses. Replacing water in contact lenses is not the same as disinfecting contact lenses by rinsing them. Indeed, replacing water in contact lenses permits the contact lenses to be hydrated and thus alleviates the symptoms of lens dryness. On the other hand, disinfecting by rinsing contact lenses prevents the build-up of micro-organisms and deposits on the lens and removes any such materials if present. If not removed, these deposits and absorbed materials can build up on the lens' surface and, over

time, may result in a reduction of comfort and vision as well as increased risk of contamination and infection.

In light of the above, it cannot be concluded that it would have been obvious for the person skilled in the art to use the solution of Yvin *et al.* to disinfect contact lenses, by rinsing them with a solution obtained from sea water.

It is thus respectfully submitted that the presently claimed subject-matter is indeed unobvious. Reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

In view of the above amendments and comments, it is considered that the application is now in proper form for allowance.

Favorable consideration and prompt allowance of the above claims are respectfully requested.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read 'S. Sarussi', written over a horizontal line.

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